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MAR 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Elizabeth Ramirez	:	
Application No. 10/816,483	:	ON PETITION
Filed: March 30, 2004	:	
Attorney Docket No. N/A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 12, 2004, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

Applicant filed the patent application on March 30, 2004 with a filing fee of \$365, wherein the correct filing fee was \$385. A "Notice to File Missing Parts of Nonprovisional Application" (Notice) was mailed to applicant on June 14, 2004, stating the statutory basic filing fee was insufficient. The Notice required to applicant to submit the balance of \$20 for the basic filing fee¹ and a \$65 Late Oath or Declaration surcharge within two months from the mail date of the Notice. Extensions of time under the provisions of 37 CFR 1.136 were permitted.

In reply to the Notice, applicant filed the instant petition along with the petition fee of \$685, \$30 for the balance owed for the basic filing fee, and \$65 for the late surcharge. A review of the record shows that an additional \$65 for the surcharge and \$215 for an extension of time was tendered on October 13, 2004, by the inventor.

Since the petition was filed within the extendable time period, it is being treated as a request for a two-month extension of time. Accordingly, this application is not considered abandoned. Therefore, the petition fee of \$685 is unnecessary.

¹ Effective, October 1, 2004, the basic filing fee increased from \$385 to \$395.

Applicant may request a refund of the \$685 petition fee and the duplicate \$65 late surcharge by writing to the Office of Finance, Refund Section. A copy of this decision should accompany such a request.

The application is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223

A handwritten signature in cursive script, reading "Marianne E. Jenkins".

Marianne E. Jenkins

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy